

AMENDMENTS TO THE DRAWINGS

In an August 17, 2006, Office Action (hereinafter "Office Action"), the drawings were rejected. Accordingly, the Examiner states that the drawings must show every feature of the invention specified in the claims. The drawings purportedly fail to show the ability for the appendage to bear the weight of a user at an angle of up to about 15 degrees relative to the support surface before slipping out from under the user. In response, applicant amends Claim 4 without prejudice.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

REMARKS

I. Introduction

Claims 1-28 are pending in the present application. In the Office Action, the Examiner rejected Claims 7, 15, and 22 for informalities. Claims 3, 11, 12, 18, and 19 were rejected under 35 U.S.C. § 112 for being indefinite. Claims 1-5, 8, 9, 11-13, 16, 24, and 25 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,744,487, to Lipson et al (hereinafter "Lipson"). Claims 6, 14, and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipson in view of U.S. Patent No. 6,432,073, to Prior et al. (hereinafter "Prior"). Claims 7 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipson, Prior, and in further view of U.S. Patent No. 4,114,873, to Jones (hereinafter "Jones"). Claims 10, 17-20, 23, 26, and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipson in view of U.S. Patent No. 5,540,964, to Mallen (hereinafter "Mallen"). Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipson, Mallen, and Prior. Claim 22 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipson, Mallen, and Jones.

II. Claim Objections

Claims 7, 15, and 22 were objected to because the term "potion" should have been "portion." Applicant thanks Examiner for the astute observation and has amended the claims appropriately.

III. 35 U.S.C. § 112 Rejection

Claims 3, 11, 12, 18, and 19 were rejected under 35 U.S.C. § 112 for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the Examiner states that a broad range or limitation together with a narrow range of limitations that falls within the broad range or limitation (in the same claim) is

considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired.

In response, Claim 3 has been amended to indicate its dependency on Claim 1. Claim 11 is dependent on Claim 9 and has not been changed. Claim 12 has been amended to indicate its dependency on Claim 9. Further, Claim 17 has been amended so that there is no limitation of a fineness rating. The limitation has been rewritten into a new claim, Claim 28. Claims 18 and 19 have been amended to reflect the removal of the limitation on Claim 17. Applicant respectfully requests withdrawal of the § 112 rejection and allowance of the claims.

IV. Claim Rejections

A. Introduction

Claims 1-5, 8, 9, 11-13, 16, 24, and 25 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,744,487, to Lipson et al (hereinafter "Lipson"). Claims 6, 14, and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipson in view of U.S. Patent No. 6,432,073, to Prior et al. (hereinafter "Prior"). Claims 7 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipson, Prior, and in further view of U.S. Patent No. 4,114,873, to Jones (hereinafter "Jones"). Claims 10, 17-20, 23, 26, and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipson in view of U.S. Patent No. 5,540,964, to Mallen (hereinafter "Mallen"). Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipson, Mallen, and Prior. Claim 22 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipson, Mallen, and Jones. For the following reasons, applicant respectfully submits that Claims 1-29 are not anticipated by Lipson and are not obvious over Lipson, Prior, Jones, and Mallen, because Lipson, Prior, Jones, and Mallen, either alone or in combination, fail to teach or suggest the appendage remaining immobile upon the surface when the appendage is bearing at least a portion of the weight of the user up to a

non-perpendicular angle relative to the support surface. Further, the prior art fails to teach or suggest gliding the appendage upon the surface unassisted when the appendage is not bearing the weight of the user and when the appendage is weakened.

Prior to discussing more detailed reasons why applicant believes that all of the claims of the present application, as amended, are allowable over the cited references, a brief description of the present invention and the cited references is presented.

1. Summary of the Present Invention

The present invention is generally related to appendage covers adapted to permit the covered appendage to selectively glide upon a surface. More specifically, the appendage cover includes a body portion for covering at least a portion of the appendage. The body portion includes a grip surface positioned to engage the appendage and hold the body portion stationary relative to the appendage. The body portion also includes a glide surface positioned to slide upon the surface during movement of the person. The glide surface has a predetermined coefficient of friction sufficient to enable the appendage to glide upon the surface when the appendage is resting upon the surface and not bearing the weight of the user. Accordingly, the appendage is weakened by a percentage that allows the user to glide upon the surface. The appendage becomes immobile when the appendage is bearing at least a portion of the weight of the user up to a non-perpendicular angle relative to a support surface.

2. U.S. Patent No. 3,744,487, to Lipson et al.

Lipson is purportedly directed toward an assembly for permitting self-locomotion by the wearer of a walking-type leg cast by sliding, rather than walking. Lipson, col. 2, lines 6-12. As taught by Lipson, the assembly includes a resilient retainer having apertures into which inserts of a low coefficient of friction that protrude slightly above the retainer are placed. Col. 5, lines 1-12. Engagement of the retainer with the surface over which locomotion is to be effected

permits a sliding of the limb. When a predetermined amount of weight is applied to the assembly, the resiliency of the retainer allows the inserts to be pressed inwardly into their apertures such that the surrounding retainer provides a non-slip, frictional engagement with said surface. Operationally, by lifting and lowering the cast-bound foot, the glide inserts are pressed inwardly allowing for traction of the cast. Col. 6, lines 12-19. However, the sliding component does not retract when the user maintains a sliding movement.

Lipson fails to teach or suggest the appendage remaining immobile upon the surface when the appendage is bearing at least a portion of the weight of the user up to a non-perpendicular angle relative to the support surface. Further, the prior art fails to teach or suggest gliding the appendage upon the surface unassisted when the appendage is not bearing the weight of the user and when the appendage is weakened.

B. The Claims Distinguished

1. 35 U.S.C. § 102(b) Rejection

a. Claims 1, 9, and 24

Independent Claims 1, 9, and 24 were rejected under 35 U.S.C. § 102(b) as anticipated by Lipson. For purposes of this discussion, Claims 1, 9, and 24 will be discussed together because the limitations discussed herein are similar for each claim. Claim 1 reads as follows:

1. An appendage cover for gliding upon a surface, the appendage cover comprising:

a body portion for covering at least a portion of the appendage, the body portion including;

(a) a grip surface positioned to engage the appendage and hold the body portion stationary relative to the appendage; and

(b) a glide surface positioned to slide upon the surface during movement of a user, the glide surface having a predetermined coefficient of friction sufficient to enable the appendage to glide upon the

surface when the appendage is resting upon the surface and not bearing a weight of the user and further sufficient to permit the appendage to remain immobile upon the surface when the appendage is bearing at least a portion of the weight of the user up to a non-perpendicular angle relative to a support surface.

Similarly, Claim 9 reads as follows:

9. An appendage cover for reducing surface friction of an appendage of a user to permit the appendage to glide upon a surface, the appendage cover comprising:

a body portion for covering at least a portion of the appendage, the body portion including;

(a) a grip surface positioned to engage the appendage and hold the body portion stationary relative to the appendage; and

(b) a glide surface positioned to slide upon the surface during movement of the appendage, the glide surface formed from a fabric of a predetermined fineness rating to enable the appendage to glide upon the surface when the appendage is resting upon the surface and further sufficient to permit the appendage to remain immobile upon the surface when bearing at least a portion of the weight of the user up to a non-perpendicular angle relative to a support surface.

Claim 24, as amended, reads as follows:

24. An appendage cover for at least partially covering a portion of an appendage of a user to permit the appendage to slide upon a selected support surface, the appendage cover comprising:

(a) an outer surface oriented to engage the support surface when the appendage cover is worn upon the appendage, the outer surface having a predetermined coefficient of friction sufficient to permit the appendage to slide upon the support surface and to impede the adhering of the outer surface to the support surface;

(b) a coefficient of friction sufficient to permit the appendage to slide upon the support surface when the appendage is not

substantially bearing the weight of the user but impede the sliding of the appendage upon the support surface when the appendage is bearing a substantial weight of the user up to a non-perpendicular angle relative to a support surface; and

(c) an inner surface oriented to engage the appendage, the inner surface having a selected coefficient of friction higher than the predetermined coefficient of friction to permit the inner surface to adhere to the appendage to impede the appendage from moving relative to the inner surface.

Claims 1, 9, and 24 are directed to an appendage for gliding upon a surface. The appendage contains an outer surface having a predetermined coefficient of friction. Through the use of the predetermined coefficient of friction, the present invention teaches that the appendage slides upon a surface, while not bearing the weight of the user. The appendage, however, becomes immobile when the appendage bears a weight of the user up to a non-perpendicular angle relative to a support surface.

Applicant submits that Lipson does not teach or suggest the appendage remaining immobile upon the surface when the appendage is bearing at least a portion of the weight of the user up to a non-perpendicular angle relative to the support surface. Lipson is directed toward an assembly which requires pressure to make the assembly immobile. Lipson teaches protruding glide inserts from the assembly. Lipson, Col. 2, line 65-Col. 3, line 1. The protruding glide inserts have a low coefficient of friction whereby the user of the assembly may slide. Col. 2, line 54. When appropriate pressure is applied, the glide inserts will be pressed inwardly and the high friction material will be in engagement with the floor to inhibit sliding. Col. 3, lines 1-5; Col. 4, lines 27-33; Col. 5, lines 7-12. Because the angle at which the appendage does not correspond to mobility of the assembly, Lipson fails to teach or suggest the appendage remaining immobile upon the surface when the appendage is bearing at least a portion of the weight of the

user up to a non-perpendicular angle relative to the support surface as recited in Claims 1, 9, and 24 of the present invention.

Under Section 102(b), a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) (February 2003). Applicant respectfully submits that Lipson fails to expressly or inherently teach each and every element of Claims 1, 9, and 24. As explained above, Lipson fails to teach the appendage remaining immobile upon the surface when the appendage is bearing at least a portion of the weight of the user up to a non-perpendicular angle relative to the support surface. Accordingly, applicant respectfully requests withdrawal of the pending rejection under 35 U.S.C. § 102 with regard to Claims 1, 9, and 24.

b. Claims 2 and 3

Claims 2 and 3 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lipson. Because each dependent claim carries each and every limitation of the claim to which it depends, Claims 2 and 3 are allowable because of the previously presented arguments. In addition, Claims 2 and 3 carry the further limitations of the appendage gliding upon the surface unassisted when the appendage is not bearing the weight of the user and when the appendage is weakened. Lipson teaches glide inserts having a low coefficient of friction that allows a user to slide. Col. 2, line 54. Further, Lipson teaches a high coefficient of friction that inhibits sliding. Col. 3, lines 105. Because the appendage slides when the glide inserts are extended and not when the appendage is weakened, applicant respectfully requests a withdrawal of the § 102(b) rejection with regard to Claims 2 and 3.

c. Claims 5, 8, 11-13, 16, and 25

Claims 5, 8, 11-13, 16, and 25 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lipson. Because each dependent claim carries each and every limitation of the claim to which it depends, Claims 5, 8, 11-13, 16, and 25 are allowable because of the previously presented arguments.

2. 35 U.S.C. § 103(a) Rejection

a. Claims 6, 14, and 28

Dependent Claims 6, 14, and 28 were rejected under 35 U.S.C. § 103(a) as unpatentable over Lipson in view of Prior. Claim 6 depends on Claim 1. Claim 14 depends on Claim 9. Claim 28 depends on Claim 24. Because a dependent claim carries each and every limitation of the claim it depends on, the reference fails to teach the limitation as discussed above. Accordingly, for this reason, applicant respectfully requests withdrawal of the rejection of Claims 6, 14, and 28.

b. Claims 7 and 15

Dependent Claims 7 and 15 were rejected under 35 U.S.C. § 103(a) as unpatentable over Lipson, Prior, and in further view of Jones. Claim 7 depends on Claim 6, which depends on Claim 1. Claim 15 depends on Claim 9. Because a dependent claim carries each and every limitation of the claim it depends on, the reference fails to teach the limitation as discussed above. Accordingly, for this reason, applicant respectfully requests withdrawal of the rejection of Claims 7 and 15.

c. Claim 17

Independent Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipson in view of Mallen. Claim 17, as amended, reads as follows:

17. A foot cover for reducing surface friction of a weak or paralyzed leg of a person to permit a foot of the leg to glide upon a surface, the foot cover comprising:

(a) a body portion for covering at least a portion of a shoe donned by the foot, the body portion including;

(i) a grip surface positioned to engage the shoe and hold the body portion stationary relative to the shoe during use;

(ii) a glide surface positioned to slide upon the surface during movement of the leg, the glide surface formed from a fabric; and

(iii) the glide surface having a predetermined coefficient of friction sufficient to enable the appendage to glide upon the surface when the appendage is resting upon the surface and not bearing a weight of the user and further sufficient to permit the appendage to remain immobile upon the surface when the appendage is bearing at least a portion of the weight of the user up to a non-perpendicular angle relative to a support surface.

As described above in Claims 1, 9, and 24, Lipson does not teach or suggest the appendage remaining immobile upon the surface when the appendage is bearing at least a portion of the weight of the user up to a non-perpendicular angle relative to the support surface. For this reason, applicant respectfully requests withdrawal of the rejection of Claim 17.

d. Claims 10, 18-20, 23, 26, 27

Dependent Claims 10, 18-20, 23, 26, and 27 were rejected under 35 U.S.C. § 103(a) as unpatentable over Lipson in view of Mallen. Claim 10 depends on Claim 9. Claims 18 and 19 depend on Claim 17. Claim 20 depends on Claim 19, which depends on Claim 17. Claim 23 depends on Claim 17. Claims 26 and 27 depend on Claim 24. Because a dependent claim carries each and every limitation of the claim it depends on, the reference fails to teach the limitation as discussed above. Accordingly, for this reason, applicant respectfully requests withdrawal of the rejection of Claims 10, 18-20, 23, 26, and 27.

e. Claim 21

Dependent Claim 21 was rejected under 35 U.S.C. § 103(a) as unpatentable over Lipson, Mallen and in further view of Prior. Claim 21 depends on Claim 17. Because a dependent claim carries each and every limitation of the claim it depends on, the reference fails to teach the limitation as discussed above. Accordingly, for this reason, applicant respectfully requests withdrawal of the rejection of Claim 21.

f. Claims 22

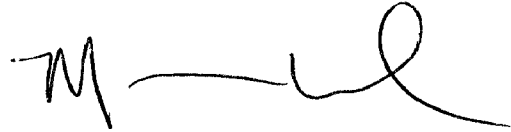
Dependent Claim 22 was rejected under 35 U.S.C. § 103(a) as unpatentable over Lipson, Mallen and in further view of Prior. Claim 22 depends on Claim 17. Because a dependent claim carries each and every limitation of the claim it depends on, the reference fails to teach the limitation as discussed above. Accordingly, for this reason, applicant respectfully requests withdrawal of the rejection of Claim 22.

V. Conclusion

Based on the above-referenced arguments, applicant respectfully submits that all of the pending claims of the present application, Claims 1-24 and 26-29, are allowable over the cited and applied references. Accordingly, applicant respectfully requests withdrawal of all the rejections of the claims of the present invention and allowance of the present application. If any questions remain, applicant requests that the Examiner contact the undersigned at the telephone number listed below.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}

A handwritten signature in black ink, appearing to read 'Mauricio A. Uribe', with a stylized, flowing script.

Mauricio A. Uribe
Registration No. 46,206
Direct Dial No. 206.695.1728

MAU/ACF:jlg

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100